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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,374	09/11/2003	Leonard Klose	22673	5438
535	7590	10/05/2005	EXAMINER	
THE FIRM OF KARL F ROSS 5676 RIVERDALE AVENUE PO BOX 900 RIVERDALE (BRONX), NY 10471-0900			TON, ANABEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,374

Applicant(s)

KLOSE, LEONARD

Examiner

Anabel M. Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,8,9 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 5,8,9 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5,8,9,11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leadford and further in view of Daniell (6,721,101).

- Leadford discloses the claimed invention except for the recitation of a lens plate having a surface turned towards the lamp being formed with contiguous generally spherical recesses and the surface turned away from lamp being formed with spherical convexities. Leadford discloses a lamp assembly comprising a lamp housing having a light-emitting opening turned in a direction of a surface to be illuminated; at least one lamp in said housing for producing light which is emitted in a light cone toward said surface; and a lens plate disposed across said opening and comprised of a multiplicity of micro lenses directly adjacent one another for rendering the light cone as it passes through said lens plate substantially homogeneous and sharp-edged where said light cone meets said surface, the opening is substantially fully closed by the lens plate.
- Daniell discloses micro lenses being formed as structuring of at least one surface of a lens plate, said lens plate having a surface turned toward said lamp and another surface turned away from said lamp and toward an exterior of said

housing, said surface turned toward said lamp being formed with contiguous generally spherical recesses, the surface turned away from the lamp being formed with contiguous generally spherical convexities, said convexities and said recesses forming said micro lenses, the recesses and the convexities are respectively flush with one another, the plate is composed of plastic (polycarbonate), the lens plate is injection molded, the lens plate is formed in one piece, (figs 2c and 18).

- It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the micro lens plate of Daniell in the device of Leadford since as taught by Daniell such an array of micro lenses is desirable for a light emitting device for the purpose of providing a lighting device with a desired light emission since the micro lenses internally and totally reflect light.
- With regards to a spacing (Δ) S between midpoints of adjacent recesses or adjacent convexities being less than 5 mm and greater than 1 mm, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have such a range of spacing for the micro lenses of Daniell, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only ordinary skill in the art. *In re Aller*, 105 USPQ 233.
- With regards to the lens plate being composed of polymethylmethacrylate, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the lens plate of this material since it is old and well

known in the illumination art to use this material for optical elements since it is known for its optical properties.

Allowable Subject Matter

3. Claim 17 is allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited of record does not disclose the apexes of the rounded convexities being defined by arc segments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton
Examiner

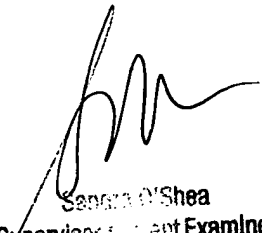
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AMT



Sandra O'Shea
Supervisor Patent Examiner
Technology Center 2800